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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,223	03/27/2001	Germano Caronni	83000.1117/P4230	2368

22804 7590 12/16/2004

THE HECKER LAW GROUP  
1925 CENTURY PARK EAST  
SUITE 2300  
LOS ANGELES, CA 90067

EXAMINER

PYZOCHA, MICHAEL J

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/819,223

Applicant(s)

CARONNI ET AL.

Examiner

Michael Pyzocha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 05242001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-58 are pending.

***Claim Objections***

2. Claim 49 objected to because of the following informalities: it claims reference to itself (see line 1). Appropriate correction is required.

Claim 49 will be examined is in line 1 "claim 49" reads, "claim 48."

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-5, 7, 9-13, 18-28, 30, 32-36, 41-46, 50-54, 57-58 are rejected under 35 U.S.C. 102(a) as being anticipated by KaZaA.

As per claims 1, 50-51, 58, KaZaA discloses receiving data at a first node of a plurality of processing nodes; associating an indicator comprising a state of progress with data; executing

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processing of said data wherein an amount of said processing depends upon said state of progress; transferring said processing to a second processing node (see page 2 "Intelligent Downloads" where the process uploading described on page 14).

As per claim 2, KaZaA discloses the associating occurs at one of said plurality of processing nodes (see page 2).

As per claim 3, KaZaA discloses the state of progress indicates said amount of processing already performed (see page 13 "Traffic").

As per claim 4, KaZaA discloses the indicator further comprises a result of said processing (see page 2 and page 13).

As per claim 5, KaZaA discloses the indicator comprises a reference to an amount of data processed (see page 2 and page 13).

As per claim 7, KaZaA discloses the reference comprises a value (see pages 2 and 13).

As per claim 9, KaZaA discloses the indicator comprises a reference to an external data source (see page 2).

As per claim 10, KaZaA discloses the external data source comprises at least one database (see page 2 where each user has a database of files).

As per claim 11, KaZaA discloses the reference identifies a position in said external data source (see page 2 where it is

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inherent that to download a file they must have a reference to identify the location).

As per claim 12, KaZaA discloses the processing criteria comprises a set of rules defining a type of said processing to be applied to the data (see page 2).

As per claim 13, KaZaA discloses the processing comprises searching for a set of bits in said data from a plurality of stored sets of bits (see page 2).

As per claim 18, KaZaA discloses the data comprises an electronic mail message (see page 7).

As per claim 19, KaZaA discloses the data comprises packet data (see page 6 where it is inherent that content traveling via the web is in packet form).

As per claim 20, KaZaA discloses the transferring further comprises reading information associated with said indicator to determine how to resume processing (see page 2 where it is inherent that when changing the download from one user to another there must be an indication of where the first left off).

As per claim 21, KaZaA discloses resuming processing by at least one of said plurality of processing nodes (see page 13).

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As per claim 22, KaZaA discloses transferring said processing from said second processing node to a third processing node based on said processing criteria (see page 2).

As per claim 23, KaZaA discloses updating the indicator to store process information (see pages 2 and 13).

As per claims 24, 52-53, KaZaA discloses receiving data at a first node of a plurality of processing nodes; associating an indicator comprising a state of progress with data; wherein said associating depends on processing criteria comprising a type of said processing to be applied to said data; executing processing of said data wherein an amount of said processing depends upon said state of progress; modifying said indicator to identify a point to resume processing; transferring said processing to a second processing node based on said processing criteria; executing processing of said data at said second processing node wherein said processing performed by said second processing node begins at said point (see pages 2 and 13).

As per claim 25, KaZaA discloses at least one of said plurality of processing nodes performs said associating (see page 2).

As per claim 26, KaZaA discloses the state of progress indicates said amount of processing already performed (see page 13 "Traffic").

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As per claim 27, KaZaA discloses the indicator further comprises a result of said processing (see page 2 and page 13).

As per claim 28, KaZaA discloses the indicator comprises a reference to an amount of data processed (see page 2 and page 13).

As per claim 30, KaZaA discloses the reference comprises a value (see pages 2 and 13).

As per claim 32, KaZaA discloses the indicator comprises a reference to an external data source (see page 2).

As per claim 33, KaZaA discloses the external data source comprises at least one database (see page 2 where each user has a database of files).

As per claim 34, KaZaA discloses the reference identifies a position in said external data source (see page 2 where it is inherent that to download a file they must have a reference to identify the location).

As per claim 35, KaZaA discloses the processing criteria comprises a set of rules defining a type of said processing to be applied to the data (see page 2).

As per claim 36, KaZaA discloses the processing comprises searching for a set of bits in said data from a plurality of stored sets of bits (see page 2).

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As per claim 41, KaZaA discloses the data comprises an electronic mail message (see page 7).

As per claim 42, KaZaA discloses the data comprises packet data (see page 6 where it is inherent that content traveling via the web is in packet form).

As per claim 43, KaZaA discloses the transferring further comprises reading information associated with said indicator to determine how to resume processing (see page 2 where it is inherent that when changing the download from one user to another there must be an indication of where the first left off).

As per claim 44, KaZaA discloses resuming processing by at least one of said plurality of processing nodes (see page 13).

As per claim 45, KaZaA discloses transferring said processing from said second processing node to a third processing node based on said processing criteria (see page 2).

As per claims 46, 54, 57, KaZaA discloses receiving data at a first node of a plurality of processing nodes; associating an indicator with said data depending on processing criteria, said indicator comprising a state of progress; executing processing of said data wherein amount of said processing depends upon said state of progress, said processing comprising searching for sets of bits in said data from a plurality of stored bits; modifying



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said indicator to identify a point to resume said processing; transferring said processing to a second processing node based on said processing criteria; executing processing of said data at said second processing node wherein said processing performed by said second processing node begins at said point (see pages 2 and 13).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6, 8, 29, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over KaZaA as applied to claims 1, 5, 24, 28 above, and further in view of Pointers (webpage).

As per claims 6 and 29, KaZaA fails to disclose the reference comprises a pointer.

However, Pointers teaches the use of pointers (see page 1).

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At the time of the invention it would have been obvious to a person of ordinary skill in the art to use pointers as the reference in KaZaA.

Motivation to do so would have been to take advantage of the power and flexibility of the C language (see page 1).

As per claims 8 and 31, the modified KaZaA and Pointers system discloses the indicator further comprises a pointer to a size of the data (see Pointers page 9).

7. Claims 14, 37, 47-49, 55-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over KaZaA as applied to claims 13, 36, 46 above, and further in view of Norton AntiVirus (hereinafter Norton).

As per claims 14, 37, 47, KaZaA fails to disclose the searching comprises determining if a computer virus is present in the data.

However, Norton teaches searching for a virus (see page 8).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Norton's method of scanning for viruses in KaZaA's searching method.

Motivation to do so would have been to prevent damage to a computer (see Norton pages 7-8).

As per claims 48-49 and 55-56, the modified KaZaA and Norton system discloses a reference to a position in an external

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data source comprising computer virus data (see Norton page 8 the LiveUpdate feature).

8. Claims 15-17 and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over KaZaA as applied to claims 1 and 24 above, and further in view of Menezes et al ("Handbook of Applied Cryptography").

As per claims 15-16 and 38-39, KaZaA fails to disclose the data is encrypted with at least one method of cryptography.

However, Menezes et al teaches cryptographic methods for encryption (see pages 15-16, 25-27).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Menezes et al's methods for encryption to encrypt the data of KaZaA.

Motivation to do so would have been to keep confidentiality (see Menezes et al page 12).

As per claim 17 and 40, the modified KaZaA and Menezes et al system discloses a reference to at least one cryptographic key (see Menezes et al page 15).

### **Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Porras et al (U.S. 6,321,338) discloses a network surveillance system with 3<sup>rd</sup>

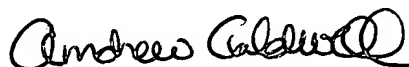
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party modules, Tanaka et al (U.S. 5,724,602) discloses a multiprocessor apparatus that can handle load balancing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Andrew Caldwell